TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 24, 2004 LB 1049

The maximum period of disqualification for anything right now is the weeks that whatever the event is that takes place plus 7 to 10 weeks. So 10 is the maximum number of weeks under the present law that a person can be disqualified. But by saying that it can be 7 to 10 weeks, the law allows discretion giving of consideration to extenuating differentiating circumstances. Senator Cunningham is of that troglodyte restrictive school that says a minimum flat sentence is what has to be imposed, and everybody is treated the same. One size fits all. So I may as well begin by talking about the bill since that is what we're going to be on. On page 2, in the existing language, in line 5, they begin talking about a person voluntarily leaving a job without good cause; For the week in which he or she has left work voluntarily without good cause, if so found by the commissioner. I would like to ask...no, I won't ask Senator Cunningham a question because he is not here. anyway, for voluntarily leaving without good cause if that's determined by the commissioner, 13 weeks would disqualification. If you go over to page 3 and start in line 2, you're talking about a person who has been discharged for misconduct connected with his or her work if so found by the Senator Cunningham makes that a flat 13 weeks. commissioner. So to him, a person who leaves voluntarily but without good cause is as culpable as somebody who is fired for misconduct. They both get the same punishment. Then when you drop down, still on page 3, to line 23, you get into the situation of the person who has failed, without good cause, to apply for available, suitable work when so directed by the employment office or the commissioner, or to accept such work. So the one who fails to apply is as bad as the one who was fired for misconduct. The one who leaves voluntarily but for what might be deemed not good cause is treated the same as the person who was fired for misconduct. When you get into the criminal law, you talk about punishments. There is a sentencing commission that Congress established. There are mandatory sentences that Congress has put in place. These types of sentences are so bad, in terms of the harm they do to the system of justice, that the U.S. Supreme Court, which contains some of the most hidebound, reactionary judges, are saying that that system needs to be changed. It is resulting not only in an overcrowding of the prisons, not only a set of circumstances